

<u>Continuation Claim</u>	corresponding to	<u>Parent Claim</u>
1-8		1-8, respectively
9		39
10		40
11		44
12		45
13-15		19-21, respectively
16		23
17		24
18		31
19		32
20		--

Referring to the continuation application, in applicants' 10/8/03 response to the 7/3/03 Office Action, applicants distinguished their independent claims over the cited references in that applicants' independent claims recite that the cylindrical lock's lock body is secured to the trim plate *independently of the door*, and that the cylinder lock's housing is secured to the trim plate *independently of the door*, whereas in the cited references the securement together of these three components are *dependent* upon the door.

In the Final Office Action (dated 12/24/2003) of the parent application, the examiner commented that applicants' arguments traversing these claim rejections are not persuasive in overcoming the rejections for the following reasons:

- (1) the examiner's contention that "the lock of the instant invention is also dependent on the door, since the posts 116 extend through bores 124 of the door, and are engaged by threaded fasteners 128 extending through the rose 120 from the opposite side of the door";
- (2) the examiner's conclusion that, because the door is not positively claimed in the rejected claims of the parent application, "applicants' limitations and remarks concerning the lock with respect to an inferentially claimed door, are of no patentable significance"; and
- (3) the examiner's assertion that "all of the components of the lock of the modified Jones reference are capable of being secured together without a door".

With respect to the first contention, applicants note that it is the *trim plate* of the instant invention that is secured to the door by the mechanism mentioned by the examiner. However, applicants' locks (i.e. the cylindrical lock's lock body and the cylinder lock's housing) are secured to this *trim plate*, which securements are *independently of the door*, structure not disclosed or suggested in the references of record.

With respect to the lack of patentable significance assigned by the examiner to applicants' claim limitations and remarks because of the rejected claims' failure to positively claim the door in the rejected claims of the parent application, applicants submit that this objection has been obviated by the present claims of the continuation application wherein the door is positively recited in continuation independent Claims 1 and 13.

Finally, with respect to the examiner's third contention, since each of the references comprising the modified Jones reference utilize the door for securing the various lock components to a trim plate, it is difficult to visualize how these references may be combined to result in lock components and trim plate capable of being secured together *without* a door. Even if the Jones patent *could* have been modified in the manner suggested by the examiner, such capability does not make the modification obvious unless the prior art suggested the desirability of the modification. None of the references relied upon by the examiner suggest any motivation for securing the various components together without the door, nor the desirability of doing so. See *In re Fritch*, 972 F.2d 1260, 23 USPQ2d 1780 (Fed.Cir. 1992).

An early Notice of Allowance as to Claims 1-20 in this continuation application is respectfully solicited.

Respectfully submitted,



David Weiss
Attorney of Record
Customer No. 36396
Registration No. 24,803

12650 Riverside Drive, Suite 100
North Hollywood, California 91607-3492
Telephone (818) 755-4848

Date: April 8, 2004